

REMARKS/ARGUMENTS

Claims 1-25 were pending. No claims have been amended. Therefore, upon entry of this response, which is respectfully requested, claims 1-25 will remain pending.

Claims 1-25 were rejected under 35 USC §103(a) as being unpatentable over Galindo-Legaria *et al.* (US 2005/0050041 A1) in view of Guthrie *et al.* (US 6,587,854 B1). This rejection is respectfully traversed.

Applicants hereby submit a Declaration Under 37 C.F.R. §1.131, signed by the inventors, evidencing that the inventors conceived of the inventions as claimed in the current application prior to August 29, 2003, the effective date of the Galindo-Legaria reference, and that the inventors and the undersigned were diligent in reducing the inventions to practice from before August 29, 2003 until the application was filed on September 23, 2003.

This Declaration supplements the Declaration filed April 27, 2006 in that evidence in the form of a draft application (with minor redactions) and figures is now provided (see, Attachment 2 and §5.1 of Declaration).

The draft application and figures of Attachment 2 provide demonstrative evidence that the inventors had conceived of the inventions prior to the effective date of the Galindo-Legaria reference. Also, Attachment 1 clearly shows diligence in reducing the inventions to practice from August 19, 2003, prior to August 29, 2003, until the application was filed.

Therefore, Galindo-Legaria is not a proper prior art reference that can be used in a rejection of the pending claims, and as such the rejection is traversed. Additionally, Guthrie itself also fails to teach or suggest the limitations of the pending claims.

CONCLUSION

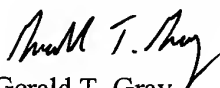
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/669,523
Amdt. dated April 4, 2007
Reply to Office Action of October 4, 2006

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,


Gerald T. Gray
Reg. No. 41,797

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 415-576-0300
GTG:sea
60926628 v1